IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.14 OF 2005.

The State of Maharashtra : Appellants.

versus

Raygonda Narargonda Patil

Through his legal heirs

Shri Bhuggonda Raygonda Patil : Respondent.

Mr.K.K.Tated, AGP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : 05th September 2005.

ORAL ORDER

1. Heard Mr.Tated, AGP, for the State. This appeal is filed by the State against the order of the Reference Court granting compensation of Rs.80,000/- per hector as against the compensation of Rs.65,000/- awarded by the SLAO.

2. Two contentions were raised by Mr.Tated,

AGP. Firstly he contended that the Reference was beyond limitation. My attention was drawn by him to Issue No.1 as per which the Award was served upon the claimant on 09-01-96. He applied for certified copy on 24-01-96 and thereafter he filed a reference on 19-02-96. Mr.Tated, AGP, contended that there is no provision under the Land Acquisition Act for excluding the period taken for obtaining certified copy. Even if for the time being it is accepted that the limitation prescribed for filing a reference is six weeks, if the award is served on 9.1.96, then filing of the reference on 19.2.96 is within limitation. Ultimate findings of the reference court is correct. Therefore, there is no substance in this contention.

3. Secondly, Mr.Tated, AGP, contended with reference para 14 of the judgment where the sale instances relied upon by the claimant have been considered by the trial Court. That all the sale instances are for small area. However, the land acquired of the claimant in this case is about 0.18 R. The sale instances relied upon are relevant and the reference Court has, in fact, accepted only one sale instance which is proved

on record. There is no much difference between the price awarded by the SLAO and the Reference Court from Rs.65,000/- to Rs.80,000/- that is perfectly justified in the circumstances. There is no merit in this appeal. Hence the appeal is dismissed.

[D.G.DESHPANDE,J]